

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	MAURICE K. WALKER	:	Chapter 13
		:	
	Debtor(s)	:	Bky. No. 08-13856ELF

ORDER

AND the Debtor's Motion for Contempt (Docket Entry No. 74), presently being under advisement,

AND, the Debtor's legal theory being that Respondent Countrywide Home Loans, Inc. ("Countrywide") violated the automatic stay, 11 U.S.C. §362(a), by attempting to collect "prepetition escrow arrears through [a] postpetition increase in [the Debtor's] mortgage payment," (Debtor's Memorandum of Law at 5),

AND, in their submissions to this court, both parties having cited the decision In re Rodriguez, 391 B.R. 723 (Bankr. D.N.J. 2008),

AND, the Rodriguez case having directly addressed the question of how a prepetition delinquency in a mortgage loan account should be treated in a chapter 13 case,

AND, the Rodriguez case presently being on appeal before the Court of Appeals at No. 09-2724 (3d Cir.),

AND, Countrywide also being a party in Rodriguez,

AND, it being probable that the Court of Appeals' decision in Rodriguez will control or at least significantly affect the disposition of the instant matter,

AND, the court concluding that efficiency and economy would be fostered by deferring a decision in this matter until the Court of Appeals issues its decision in Rodriguez,

It is therefore, **ORDERED** that:

1. This contested matter is placed in **SUSPENSE** pending the issuance of the Court of Appeals' decision in Rodriguez.
2. Upon receiving notice of the Court of Appeals' disposition of the appeal in Rodriguez, counsel for the Countrywide shall notify this court forthwith that the appeal has been decided.



Date: March 17, 2010

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE